

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 MONYA BLANTON, et al.,

12 Plaintiffs,

13 v.

14 TORREY PINES PROPERTY
15 MANAGEMENT, et al.,

16 Defendants.

Case No.: 15-CV-0892 W (NLS)

**ORDER DENYING DEFENDANTS'
MOTION FOR A DETERMINATION
THAT PLAINTIFF JOA'S FHA AND
CFEHA CAUSES OF ACTION
WERE FRIVOLOUS,
UNREASONABLE, AND/OR
WITHOUT FOUNDATION [DOC. 99]**

17
18 Pending before the Court is Defendants' motion for a determination that Plaintiff
19 Joa's FHA and CFEHA causes of action were frivolous, unreasonable, and/or without
20 foundation. [Doc. 99.] The Court decides the matter on the papers submitted and
21 without oral argument pursuant to Civil Local Rule 7.1(d)(1). For the reasons that
22 follow, the Court **DENIES** the motion.

23 //

24 //

25 //

26 //

27 //

28 //

1 **I. BACKGROUND**

2 On April 22, 2015, Plaintiffs Monya Blanton and Diane Joa brought this action
3 against Defendants Torrey Pines Property Management, Inc., Sedlack Development Co.,
4 LP, Peggy Warny, and Corinne Lampman. (*Compl.* [Doc. 1].) According to the Second
5 Amended Complaint (“SAC”), Torrey Pines Property Management (“TPPM”) enforced a
6 policy restricting the occupancy of its rental units to “one occupant per bedroom plus
7 one[,]” thus discriminating on the basis of familial status in violation of 42 U.S.C. § 3601
8 and Cal. Gov. Code § 12927, *inter alia*. (SAC [Doc. 29] ¶¶ 1–37.)

9 On Defendants’ motion, the Court dismissed Plaintiff Joa’s first two causes of
10 action for lack of standing, reasoning that by the time the occupancy policy at issue was
11 enforced against Plaintiff Joa’s family, all members of her family had reached the age of
12 majority. (*See April 20, 2017 Order* [Doc. 83].) Defendants now move “for a
13 determination that Plaintiff Joa’s FHA and CFEHA causes of action were frivolous,
14 unreasonable, and/or without foundation.” (*Defs.’ Mot.* [Doc. 99].)

15
16 **II. LEGAL STANDARD**

17 “Article III of the Constitution grants this Court authority to adjudicate legal
18 disputes only in the context of ‘Cases’ or ‘Controversies.’ To enforce this limitation, we
19 demand that litigants demonstrate a ‘personal stake’ in the suit.” Camreta v. Greene, 563
20 U.S. 692, 701 (2011) (quoting Summers v. Earth Island Institute, 555 U.S. 488, 493
21 (2009)). “ ‘[F]ederal courts have never been empowered to issue advisory opinions.’ ”
22 Coal. for a Healthy California v. F.C.C., 87 F.3d 383, 386 (9th Cir. 1996) (quoting FCC
23 v. Pacifica Found., 438 U.S. 726, 734–35 (1978)).

24
25 **III. DISCUSSION**

26 Defendants do not move for attorneys’ fees. (*Defs.’ Mot.* [Doc. 99].) Rather, they
27 propose to do so at a later date, after their motion for an advisory opinion as to the nature
28 of Joa’s claims is granted. (*Id.* [Doc. 99] 1:28–2:2 (“If this motion is granted, Defendants

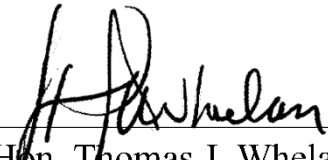
1 will submit attorney billing amounts pertaining specifically to Defendants' defense of
2 Joa's frivolous claims so that an attorney fee award may be specifically calculated."
3 (formatting altered from original).) The issue of fees is not before the Court. Defendants
4 do not show a personal stake in the issue of whether Plaintiff Joa's claims were frivolous,
5 unreasonable, or without foundation. The Court is not empowered to issue an opinion
6 advising Defendants. See, e.g., Coal. for a Healthy California, 87 F.3d at 386.

7
8 **IV. CONCLUSION & ORDER**

9 Defendants' motion is **DENIED**. [Doc. 99.]

10
11 **IT IS SO ORDERED.**

12 Dated: October 13, 2017

13
14 
15 Hon. Thomas J. Whelan
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28